XI

RUDIMENTARY SOCIETY

AMONG BOYS

"Human nature is generally akin: . . . . and the motives of an adult barbarian are very similar to those of a civilized child."—*Francis Galton.*

"Persons who stand up for the dignity of philosophy, if any such there still are, will say I ought not to mention this, because it seems trivial; but the more modest spirit of modern thought plainly teaches, if it teaches anything, the cardinal value of occasional little facts."—*Walter Bagehot.*

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HERBERT B. ADAMS, Editor

History is past Politics and Politics present History — *Freeman*

SECOND SERIES

XI

RUDIMENTARY SOCIETY

AMONG BOYS

BY JOHN JOHNSON, JR., A. B.

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EDITORIAL INTRODUCTION.

When the publication of the Johns Hopkins University Studies began, it was not anticipated by the editor that any contributor would descend lower in the scale of institutional subjects than Towns, Parishes, Manors, etc. But Mr. John Johnson, jr., after contributing to the First Series a valuable paper on "Old Maryland Manors," which was noticed by Sir Henry Maine and by the *Saturday Review*, June 30, 1883, yielded to the influence of a teacher's environment, upon a farm-school for boys, and began to study the agrarian customs and institutional instincts of rudimentary citizens of our larger republic. At first sight, such a study of juvenile society may appear boyish and somewhat trivial, but a nearer view of the customs and institutions of the McDonogh Boys will convince the reader that they are worthy of scientific observation. So curiously picturesque, however, is the life of this juvenile society that some readers may suspect Mr. Johnson of having written a kind of political romance with a socialistic moral. But his statements are all matters of the strictest fact, recorded with the conscientiousness and painstaking fidelity of a local historian. Modern students are finding historical and sociological materials in such imaginative writings as Plato's Republic, More's Utopia and Bacon's Nova Atlantis, but there are few scholars who have thought it worth while to utilize the wealth of fact and illustration for institutional history which lies at our very doors. Mr. Johnson has perhaps taken the initiative in a new and most interesting field, "Rudimentary Society among Boys." A preliminary study upon this general subject was first published by him in the *Overland Monthly* for October, 1883, and received an appreciative notice from an American psychologist in the Notes of *The Nation*, January 17, 1884. An article on "Judicial Procedure among Boys" was also published

in the *Overland Monthly*, for July, 1884. Mr. Johnson's work, originally prepared for this University Series, has now been entirely recast and is presented in the present number of the Studies, with the hope that it may suggest similar investigations elsewhere.

The editor begs leave to call attention to the sociological and institutional significance of this monograph. Upon an Old Maryland Plantation, itself connected historically with that system of manorial land tenure which supplanted primitive democracy and ancient land community, a Plantation once the home of slaves and tenants, who did the bidding of their lord and master, and who now lie buried in the lord's waste land, a fresh and juvenile society has now sprung into being. Although still under the authority of a master—the principal of McDonogh School,—the boys have reverted to a kind of primitive democracy, and are passing through much the same cycle of agrarian history as that through which branches of the great Aryan race have passed again and again. First came a system of land community among those fifty boys inhabiting the eight hundred acres, remnant of that Old Plantation of three thousand acres, a part of which was purchased for the Institute of John McDonogh, who is now worshipped as the eponymous hero of the McDonogh clan of small boys. He is the tutelary founder of that school-boy micropolis. While the principle of patriarchal sovereignty endures in the headship of the school, the boys still represent in many respects the survival of primitive democracy. And yet chiefs, or elders, arose from time to time among the McDonogh Boys and arrogated to themselves by reason of their superior strength, age, or ability, the control of the public land for hunting and fishing, for rabbit-trapping, and bird-nesting. Primitive democracy is now in danger of that subversion, which has been the unhappy lot of the small farmers of England. But now comes a socialistic party once more demanding, so to speak, the *communisation* of land. The land-holding aristocracy yield very slowly and urge the commoners to accept certain distant, as it were colonial, tracts of land for squirrel-hunting and rabbit-trapping. Here, in miniature, is the agrarian history of the English race of hunters, trappers, and enterprising colonists; nay, it is the agrarian history of our Aryan race. Mr. Johnson, in his picture of McDonogh

Institute, has shown us a microcosm, not only of the agrarian, but of the political and economic history of society.

Boys from the age of youth to adolescence repeat the history of their ancestors and of the race itself. As in the changes of the egg, every embryologist recognizes certain rudimentary features of structure which disappear before birth, so the sociologist and student of human institutions may discover in a company of lads not only the rudiments of primitive society, but the germs of its development. Every school-boy and college-student in his upward way to real manhood represents the evolution of a primitive savage into a civilized being. Every school and college reproduces the developmental process of human society in some of its most interesting aspects, such as government and law. There are all stages of social development in the student-class, from actual savagery, which frequently crops out in the very best schools and colleges, to effeminate forms of modern civilization. There are all degrees of institutional government, from total anarchy and patriarchal despotism to Roman imperialism and constitutional government; although it must be admitted that self-government among the student-class—said to obtain in some American schools and colleges—is not yet a chartered right. The regulation of student-society by itself, or by the powers that be, presents all phases of judicature, from the most savage ordeals to the most humane. Student-customs are full of ancient survivals, and some editions of "College Laws" are almost as archaic as the Code of Manu. One of these days we shall perhaps find men investigating college jurisprudence, college government, and college politics from the comparative point of view, and writing the natural history of the student-class.

The school and college world is still unexplored by scientific discoverers; yet how fruitful is the field here offered to the sociologist and the student of comparative politics! Why should not our college graduates interest themselves in the history of student institutions? While at college we grappled in public on the stage with such great questions as the Spirit of English Liberty, the Fallacies of Herbert Spencer, and the Advantages of Free Trade; what is the harm in undertaking a little graduate work of a more microscopic character? Sir John Lubbock, not content with writing in early life concerning Pre-historic Times

and the Early history of Civilization, has more lately studied such a comparatively insignificant theme as the habits and instincts of "Ants." Charles Darwin devoted a considerable part of his life to the Study of "Earth Worms;" and the germ of his epoch-making theory may be found in his study of the birds and reptiles of the Galapagos Islands. Scientific men the world over, from the laboratory of Dohrn at Naples to that of Mitsukuri in the University of Tokio, are pursuing the most minute objects of investigation. The infinitely little may be as wonderful as the infinitely great; for universal truth may appear in atoms as well as in systems of worlds. "After such great matters as religion and politics," said Bagehot, "it may seem trifling to illustrate the subject ['Nation-Making'] from little boys. But it is not trifling. The bane of Philosophy is pomposity: people will not see that small things are the miniatures of greater, and it seems a loss of abstract dignity to freshen their minds by object lessons from what they know," (Physics and Politics).

The world already possesses a pretty large stock of great principles, and it now needs fresh collections of fact in order to prove all things and hold fast that which is good. Aristotle long ago said that "the right method of investigating anything is to reduce it to its elements" (Pol. I. cap. 3). He began his great treatise on Politics with a discussion of the primary elements of the State, the family in its elementary parts; the village community composed of a group of householders; and the city or commonwealth formed by an association of villages. From such elements as these, not only political science, but practical politics must be perpetually reconstructed. The Reverend Samuel W. Dike has lately emphasized, in the *Princeton Review* (March, 1884), and elsewhere, the significant idea that the Family, oldest of institutions, perpetually reproduces the ethical history of man, and continually reconstructs the constitution of society. All students of sociology should grasp the same radical truth, and should also remember that school and college, town and city, state and nation, are after all but modified types of family-institutions, and that a study of the individual elements of social and political life is a true method of advancing sociology and politics in general.

Johns Hopkins University,
November 1, 1884.

RUDIMENTARY SOCIETY AMONG BOYS.

1. Land Tenure.

At the top of one of the low, fertile hills that cover much of the country to the north and west of Baltimore, stands the McDonogh School. Around it stretch the eight hundred acres of the school farm. As the visitor stands upon the northern portico of the principal's house and looks out over the fields of corn, wheat, and clover, whose ample breadths fall gradually away toward the water course below, his eyes find relief from the glancing, undulating light of the hot, open ground in the dark, quiet, yet various green of the woods that crown the summer hills. On the high eminence far to the north-east stands the Garrison Forest church, whose foundation goes back to the first half of the last century, when the Reverend Benedict Bourdillon suggested the building of a "chapel of ease for the accommodation of the forest inhabitants." A few miles to the eastward is the small stone fort, with its loop-holes for muskets, which was garrisoned by Captain John Risteau, High Sheriff of the County, when the raids of the fierce Susquehannoughs kept the border in fear. From this building the region takes the first part of its name of Garrison Forest. The latter portion is accounted for by the great abundance of woodland yet uncleared, which is only a remnant of the unbroken expanse of trees that a hundred and forty years ago gave the surrounding district the name of the Forest.

To the south of the school, through a heavily wooded valley, flows the stream called the Horsehead, once famous for its trout, but now unfrequented by the fish by reason of the cultivation of the land along its upper tributaries. But though its former reputation has departed, the "Forest" still grows along its banks, from which not all the game has yet been driven. The Elkridge hounds can still find a fox there as they hunt across country; flights of pigeons still feed there in winter upon the swamp acorns; raccoons leave the sharp imprint of their claws in the soft mud along the stream; musk-rats scatter the mussel shells over the shallows; and the opossums, whose tender juicy flesh is grateful to the bacon-eating negroes, are still caught there on moonlit autumn nights.

Nor is Horsehead wood the only part of the McDonogh Farm where animal life is abundant; other pieces of woodland being almost equally favored. Red and gray squirrels abound everywhere in the trees, and in September these spendthrifts scatter bushels of partially gnawed hickory nuts upon the brown and yellow leaves. Ground squirrels hurry along all the fences, shrilly whistling as they dive into their dens. In the stubble fields one cannot go far without putting into rapid flight before him a snowy-tufted "cotton-tail." An indolent ornithologist of the neighborhood has identified one hundred and thirty species without exhausting the resources of the fields and woods.

Over these teeming eight hundred acres the "McDonogh boys" roam at will, each according to his ability striving to become a mighty hunter in the earth. During the first spring after the opening of the school the boys found the woods abounding with birds' eggs and squirrels, which they might have for the trouble of taking. During the autumn they gathered chestnuts and walnuts and stored them away to be cracked and eaten before the big fire in the school-room. Whether in spring or in autumn, all who went to the labor of searching were rewarded with an abundance. When the

frost had killed the green shoots and troubled the rabbits to get a living, every boy that chose to do so set traps in the swamps and ditches, and baited them with sweet-smelling apples, or more pungent and effective onions.

The ground was then regarded as the property of the community, and while, like the ancient Teutonic villager, each "McDonogh boy" took pains to exclude strangers from the *Mark*, each regarded himself with the rest as a joint owner of the harvest of nuts, and all had equal rights of hunting and trapping in the waste. As in the precursors of those Aryan villages of the east, recently studied by Phear, "land was not conceived of as property in the modern sense, or as belonging to any individual."[1] The whole was common to them all, and every boy had a right to a portion of the fruits of the ground.

This idea of common property, if not the same as, is quite like, that which has prevailed in many primitive communities, "in Germany and ancient Italy, in Peru and China, in Mexico and India, among the Scandinavians and the Arabs."[2] Among the "McDonogh boys," as among many savage societies, the beginning of property in land is seen as "the collective ownership of the soil by groups of persons."[3] I had almost continued the quotation to make it include the words, "groups believing or assuming that they are" united in blood relationship. But while such a statement here would be untrue, the feeling of union among the "McDonogh boys" is of a very striking intensity. They become greatly indignant, and even have a sense of wrong done them when they discover a youngster from the neighborhood trapping game upon "our farm." This sentiment they have sometimes manifested in attempts to prevent the children of the men employed on the farm from gathering eggs in the

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[1] Sir J. B. Phear, The Aryan Village in India and Ceylon, p. 236.
[2] De Laveleye, Primitive Property, p. 2.
[3] Maine, Early History of Institutions, p. 1.

woods; and the schoolboys regard their few competitors in hunting with an aversion often put into words and sometimes into acts.

This *esprit du corps* is perhaps the counterpart of the feeling that formed the bond of union in primitive societies. At the present day, among the members of the Hindoo joint undivided family, as well as among the villagers in the Russian *Mir*, it assumes the form of a belief in their descent from a common ancestor.[1] In other groups it took other forms, varying with the condition of the society in which it existed, often getting far away from its original form—that of a feeling of blood relationship. Thus among the Romans, "the stranger who had been adopted . . . became the agnate of the one adopting him, and even of the whole family."[2] This feeling of brotherhood is so deep and lasting that, similarly, it might be said of the "new boy," on his admission into the McDonogh School, "*in sacra transiit.*" The feeling of the boys is well shown in their conception of their rights to the property of the school, many of them regarding themselves as the legatees of John McDonogh, the philanthropist who gave his fortune to Baltimore in trust for the education of poor boys. He fills the niche once occupied in the minds of their Aryan progenitors by the common ancestor, from whom all the members of the primitive community thought themselves to have sprung. For the primitive fiction of common descent they have substituted the real bond of school fellowship and the pretended bond of succession. As they sometimes express it, "McDonogh left his property to us;" and the idea that any other than "McDonogh boys" have any rights over the property, they do not easily accept. This feeling is clearly displayed in their attitude toward one of the rules of the school. They are not permitted to pluck the fruit in the orchards, and some of them are honestly

[1] Maine, Early History of Institutions, p. 7.
[2] Fustel De Coulanges, The Ancient City, p. 75.

unable to see the justice of such a regulation. The fact that the fruit is given to them after it is gathered does not at all satisfy them. Conscientious boys have often said in my hearing that, as they owned the fruit, no one had a right to prevent them from pulling it. They are, however, debarred from carrying this idea into practice, and the truth has often been pointed out to them; so this notion is not universal among them. But as no one has interfered to dispel their belief that they have property in the nuts, eggs, and squirrels, they have made this a cardinal doctrine of their politics.

With this feeling of ownership constantly in mind, the boys that entered the school at its opening went peering through the high grass of the meadows in search of bobolink's eggs; and climbed the rough pin-oaks to the nests of the hawks. The first score of urchins were able to get as much as they desired from the fields and woods; but when the school grew in numbers, and fifty adventurers had boxes of bran to be filled with oölogical specimens, and bins holding each ten bushels to be stored with walnuts, the demand for these treasures began to exceed the supply. Then competition set in and disputes arose, out of which, with the aid of an apparent instinct for politics, the boys were able to bring custom and law, and a system of property which was odd and unexpected, yet orderly and intelligible.

Sir Henry Maine has said that among primitive Teutonic races the proprietary equality of the families composing the land-owning group was at first secured by a periodical re-distribution of the land. This custom he considers as marking an important stage in the transition from collective to individual property, and so wide-spread does he believe it to have been that to him, "there appears to be no country inhabited by an Aryan race in which traces do not remain of the ancient periodical re-distribution. It has continued to our own day in the Russian villages. Among the Hindoo villagers there are widely extending traditions of the practice,

and it was doubtless the source of certain usages," surviving to our own day in England and Germany.[1]

The stage of economic development in which re-distribution of the common land is practiced is the stage which the "McDonogh boys" have reached in their evolution of the conception of ownership of the walnut crop. To understand their position in the line of progress, however, we must first see how they now gather the crop, and how they formerly harvested it. Just after midnight some morning early in October, when the first frosts of the season have loosened the grasp of the nuts upon the limbs, parties of two or three boys might be seen, (if any one were sufficiently interested to leave his bed at such an untimely hour) rushing at full speed over the wet fields. When the swiftest party has reached a walnut tree, one of the number climbs up rapidly, shakes off half a bushel of the nuts and scrambles down again. Then off the boys go to the next tree, where the process is repeated unless the tree is occupied by other boys doing likewise. This activity continues during play-hours until all the walnut trees on the place have been appropriated. Nut-hunters coming to the tree after the first party has been there, and wishing to shake the tree still further, are required by custom to pile up all the nuts that lie under the tree. Until this is done the unwritten law does not permit their shaking any more nuts upon the ground. Any one that violated this provision and shook the nuts from a tree before piling up those beneath, would be universally regarded as dishonest, and every boy's hand would be against him. To collect all these nuts into a pile requires no small labor, and rather than undergo this the second party will usually go off in search of another tree. Consequently the partial shaking commonly enables the boy that first climbs a tree to get possession of all its fruit.

A certain justice underlies this custom. Labor has been expended in the first shaking. If another comes and shakes

[1] Maine, Village Communities, p. 82.

more nuts to the ground before picking up those already there, the fruit of the first boy's labor will be mixed with that of the second, and thus the first comer will lose some of his work. The moral sense of the community agrees that no part of the labor shall be lost to him that performs it, and to prevent such a result the present regulation seems effectual. In what notions, ethical or other, this practice of seizing trees was begun, we cannot now discover; but all analogies indicate that the justice of the matter was not the sole consideration. But if it is hard to discover the origin of this custom in the moral nature of the boys, we may yet see how it illustrates their views of property. Inasmuch as a tree is the property of a boy and his partners only so long as his nuts remain unpiled on the ground; and since the trees may be shaken again by any boy who chooses to pile up the nuts: it is evident that in the eyes of the boys the trees belong to all of them. The simple expedient for re-distributing the trees at intervals of a year is to cause all titles to expire at the end of harvest. A boy's right to a tree lasts no longer than a single autumn. If in all that time he does not remove his crop, and if no one else piles up the nuts and gathers the rest of the yield, still his right expires by limitation; and at the opening of the next season the first comer has a right to establish a title for himself.

It may be said that permitting each boy to seize such trees as he can, is hardly to be called an equitable method of re-distribution, but, as I desire to establish only the fact of re-distribution, this is not a valid objection. It is, however, true that efforts have been made looking toward a fair division. The keen competition for walnuts led many boys to shake trees in the middle of September, and thus to acquire a title to them long before the fruit was ripe. When baseball was still the main idea of the majority, perhaps a fortnight before the first frost, (everywhere recognized as marking the ripening of the crop), the greediest or the most enterprising boys would set out to seize and shake as many trees as possible.

Having no competitors they would be able in a few days to take possession of a whole crop of nuts. To alleviate this evil a day in October was fixed as the date of the beginning of harvest. An assembly of the boys, where all may take part, is the body which determined and still determines the opening of the season. The meaning of this public act is evident. It was felt that the few had seized what the many owned, and to prevent the recurrence of this robbery it was made unlawful to gather any part of the crop before all knew it was ripe. By fixing a day when the harvest should begin, the boys did what they could toward equalising the shares of each. They at least put all upon the same footing as regards the time of gathering, and they made each boy know when he must enter upon the competition. Though not all the starters could have the inside track, all got away together.

The idea of common ownership shown in this regulation is apparently the same as that which led to those periodical re-distributions of the land, of which, according to Maine, traces are found in all countries inhabited by people of Ayran descent. When the Russian *Mir* makes an allotment of arable land to each household proportioned to the number of its members, and fixes the date of the harvest; when the Dutch *Haagespraak*, or village assembly, fixes the day on which the horn shall blow to mark the time for cutting the corn on the village land,[1] the object is the same as that of the assembly at McDonogh. Equality in the shares of the fruit of the common domain is the desired result. In the adult communities the body making the re-distribution is well organized, and in arable land equal shares can be easily laid off; while among the boys their political machinery is imperfect, and the walnut trees are too far apart and too irregular in value to permit a fair division. The differences, however, seem to be differences of degree only.

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[1] De Laveleye, Primitive Property, p. 285; Wallace, Russia, Vol. I, p. 208.

While the community thus does what it can to give each member a fair chance, no effort has been made to equalise the industry of the competitors. The hardest workers still gather the biggest crop. The day for the opening of harvest is reckoned to begin at midnight, and the boys that are most in earnest stay awake till twelve, and then, issuing from their beds into the chilly moonlight of the October fields, they seize such trees as they desire.

The same feeling of common ownership of the woodland and the same attempt at re-distribution, which appear in the custom of gathering the walnut crop, are apparent in the usages of the school on the subjects of egg-gathering and squirrel-hunting. As eggs grew scarce and the boys grew numerous, those who most desired the eggs worked hardest to get them, climbing higher trees and wading through muddier swamps. As the more industrious boys saw the birds building nests over their heads, what was more natural than a desire to possess them before the laying began, and thus to acquire a title to the eggs? A boy who had spent hours in a weary search and had at last found a nest, felt that his labor gave him a right to it. Accordingly some boys began to invent ways of marking the trees in which they had found nests, and to claim ownership, not of the eggs, which were not then laid, but of the tree, in which they knew the eggs would soon be brought forth. Commonly when a boy found a nest, he laid a dead limb against the trunk as a warning to others that the tree had become his, and was no longer common property, to be taken by any one passing by. Rights thus acquired were not always respected by the covetous, and eggs were so often taken from marked nests as to lead to an intolerable condition of quarreling and fighting. The community then interfered to regulate the use of the *Mark*. After much angry discussion the assembly adopted the plan of nailing upon the trees a ticket bearing the finder's name and the date of the discovery. This ticket gave to the boy whose name it bore a right of property during the rest of

that year to all the nests that might be made in that tree and to all their contents. On the last day of December all titles were to lapse, to be renewed only by a new ticket.

Before the first bluebird has laid her pale azure eggs in the leafless orchards, the egg-hunters, in conformity with this statute, provide themselves with strips of paper bearing their name and the date, thus:

MILLER & CROOK,
1884.

These tickets and some tacks they take with them whenever they go into the woods. Where a hollow limb presages the birth of a brood of squirrels, one of these labels is nailed upon the trunk beneath, and another is placed under every crow's nest building in the branches. During the year 1884 no other honest boy will take eggs or squirrels from a tree thus appropriated, and Masters Miller and Crook may go at leisure and collect the new laid specimens for their cabinets or the weak-eyed pets for their pockets. In the immediate neighborhood of the school house little boxes are placed for the birds to build in, and serve the double purpose of insuring the making of a nest and of marking it as private property. When a boy has put into a tree one of these traps for unsuspecting maternity, no other boy is permitted to use the tree for the same purpose. A case lately occurred where, amid general approbation, the second box was destroyed by the owner of the first. The boys regret that the official discountenance prevents the full development of this interesting custom.

In placing his tickets a boy is at liberty to use his discretion as to time and place, and he may put up as many of them as he likes even before the snow has melted. Often of course the tickets are liberally distributed in promising parts

of the woods as early as February, and thus an energetic fellow obtains possession of scores of trees. The likeness here to the custom of seizing the walnuts is evident. The day for the opening of the season, January 1, has, however, been fixed once for all, while the date of the beginning of the walnut harvest is a matter for yearly consideration. The two usages differ in one other point also. A boy's title to a walnut tree that he has shaken is valid only until some one has piled up his nuts; after that is done, any one may take the rest of the fruit of the tree. But the right to a tree marked with a ticket is good for the rest of the year, if the ticket is not blown down and out of sight. Hence, if we regard the woods as land devoted to the production of squirrels and eggs, we may say that a boy marking a tree has obtained a share of this land for a year in severalty. At the end of that time the woodland again becomes common and there is a distribution by seizure.

This usage closely resembles the custom of temporary ownership in vogue in the Russian *Mir*.[1] M. de Laveleye

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[1] The following description of the distribution of common land in the Russian *Mir* is taken from Wallace, Russia, Vol. I, p. 207. It serves as a living example of the resemblance between the customs of McDonogh and those of primitive society. "The whole of the communal arable land is first of all divided into three fields, to suit the triennial rotation of the crops already described, and each field is divided into a number of long, narrow strips—corresponding to the number of male members in the Commune—as nearly as possible equal to each other in area and quality. Sometimes it is necessary to divide a field into several portions, according to the quality of the soil, and then to subdivide each of these portions into the requisite number of strips. Thus in all cases every household possesses a strip in each field; and in those cases where subdivision is necessary, every householder possesses a strip in each of the portions into which the field is subdivided. This complicated process of division and subdivision is accomplished by the peasants themselves, with the aid of simple measuring rods, and the accuracy of the result is truly marvellous.

"The meadow, which is reserved for the production of hay, is divided into the same number of shares as the arable land. There, however, the division and distribution take place, not at irregular intervals, but annu-

has described in these words the same practice as it appears among many primitive peoples. "The cultivated land is divided into parcels which are distributed by lot among the several families, a mere temporary occupation being thus allowed to the individual. The soil still remains the collective property of the clan, to whom it returns from time to time that a new partition may be effected. This is the system still in force in the Russian Commune and was, in the time of Tacitus, that of the German tribe."[1]

Beside this temporary ownership of trees, permanent individual property in land frequented by rabbits has been developed. The process of development is somewhat similar to that which has been offered by several writers as an explanation of the growth of individual ownership among men. We can see clearly the successive stages of common landholding; of temporary individual ownership; of permanent individual ownership; of land monopoly; and last of all, the rise of a socialistic party clamoring for a re-distribution of land.

When the explorations of the boys revealed the presence of nuts, eggs, and squirrels, numbers of rabbits were also discovered. Attempts were at once made upon the lives of these animals, for the purpose of adding a delicacy to the commonplace round of boarding school fare. Every boy that chose to do so, made traps and set them at such spots as struck his fancy, for at the start the equal rights of all to the woods and game were fully recognized. But ownership in severalty was soon established on the ruins of the system of common property.

Clearly to understand this economic revolution, we must consider it historically. The rabbit trapping season begins

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ally. Every year, on a day fixed by the assembly, the villagers proceed in a body to this part of their property and divide it into the requisite number of portions. Lots are then cast, and each family at once mows the portion allotted to it."

[1] De Laveleye, Primitive Property, p. 4.

about the middle of October and ends early in December. Its opening depends upon the weather, and not like the walnut harvest, upon the legislation of the boys. If there is an early autumn the rabbits may be induced by the scarcity of food to enter the traps sooner than if the warm weather continues till late.

In the first autumn after the opening of the school, each boy that chose to do so, made a box of planks, fitted one end with a door that would fall at the touch of a trigger, and having found a promising spot, there set his trap. The hungry rabbits were tempted with fragrant apples and appetizing onions, and a few victims were enticed within the fatal door. At that time no boy set more than half a dozen traps, and almost the whole school enjoyed the delightful anticipation of having rabbit for breakfast on some future morning.

But the spots where rabbits can be caught on eight hundred acres are comparatively few, and hence the closeness of the traps interfered with the amount of the catch. It is a habit with rabbits to move about in well-marked paths, and the boys usually set their traps in these places. Generally a rabbit will enter the first trap in his path, and boys often complained that their traps were rendered useless by the proximity of others. After a year or two of this unsatisfactory state of affairs, a large boy, who had set his traps rather earlier than the rest, began dropping heavy stones upon all traps set closer to his own than he thought desirable. In such a society as we are studying, a hard-fisted fellow of fifteen is a great personage, and has much the same influence as a great warrior in a primitive village. The example of this boy-magnate was imitated by all who dared; and by common consent, or perhaps by common submission, a limited distance between traps was agreed on. Within a circle about forty yards in diameter, drawn about a trap already set as a centre, no other trap was to be placed. For the season the owner of the trap first placed on any given piece of ground either assumed or was entrusted with author-

ity to break any trap placed within the specified distance of his own. Thus all persons were prevented from trapping in the protected spots.

Here we come upon another case of temporary individual ownership. If there was any serious opposition to it in the beginning, tradition has preserved no account of it. As the rights thus acquired lasted only for a year, each boy felt that next year he would have a chance to set traps in the appropriated spots, and to obtain sole ownership for himself. Cupidity moved those not moved by fear to consent to the scheme of the innovators. As the result proves, such compliance was highly injudicious. We have already seen how the custom of seizing trees became the means whereby some boys were able to get possession of more than a fair share of the walnut crop. A like selfishness was not absent from the breasts of the trappers. Some grasping spirits among them, dissatisfied with their nearly equal shares of "rabbit land," desired a greater catch than was made by the rest. Accordingly, a few of these "pushing young particles" combined, or rather conspired, in early autumn to make fifty traps and set them at intervals over a valuable rabbit district. The customary law did not permit a trap to be placed near one already set, and consequently, when the next party of trappers went to the place, they found it already occupied. It was dotted with traps. The ground around each belonged to the owner of the trap, and each trap was set so close to the succeeding one that another could not lawfully be put between them. The woods thus filled with traps became for the season the property of the greedy fellows who had contrived the plan of overreaching their schoolmates. The fact that they had gained possession by a trick did not in their own eyes invalidate their title. The law had been literally complied with, and the victims had no remedy but force. But as the monopolists were big and united, the force was all on their side, and they easily overawed their plundered rivals.

Thus temporary individual ownership of the soil came to be permitted and to be abused at McDonogh. It was to prevent the latter result in the village communities described by Maine that a periodical re-distribution of land was instituted. Such a custom, to give additional examples, was followed in the ancient Teutonic villages, among the Hindoos, and among the Dutch; and as there was a system of re-distribution of the trees, so there was theoretically a re distribution of the "rabbit land." Just as the right to a marked tree ceased at the end of the year during which the label was put up, so the right to land covered with traps expired at the close of the season. But while paper labels are perishable things, unlikely to remain on the tree during the winter, the heavy wooden boxes used as rabbit traps will continue in good condition for years at the same spot. Hence, a trap placed in a good situation gave its owner a great advantage the next year in renewing his claim. By re-setting his old trap he again became proprietor of the ground, and he could re-set it much more easily than another boy could bring a trap there and displace him. It was the old story of the odds on the side of Capital. When trapping was over for the autumn in which these events occurred, the monopolists left their traps upon the spots where they had been set, and the following autumn the same boys had merely to walk leisurely over the ground and set them once more. Thus it was easy for these boys to be the first in the field and again prevent others from trapping in the best places. When this occurred most of the other boys ceased to compete with these rapacious squatters. Some who persisted had to be content with spots so poor in game that they had not excited the cupidity of the monopolists. By this process, continued from year to year, the land fell into the hands of a few. The old system of common enjoyment disappeared, and, in its place, came permanent individual property.

When the custom of private property in land had been in force for several years, a new industry was introduced at

McDonogh. Three boys learned how to trap musk-rats, and engaged in the enterprise so assiduously that in a few weeks they had snares set at short intervals for a mile along the principal stream flowing through the school farm. Their success induced three others to make the same venture. It was then agreed by the two parties to divide the stream between them, the last comers trapping only along that part of the banks where the first had made no lodgment; and it was further agreed to support each other in maintaining exclusive rights to the banks. Thus six boys, who were among the largest in the school, and three of whom already owned large tracts of "rabbit land," were enabled to seize upon a franchise to which all the other scholars had an equal claim. No attempt was made to resist them and their ownership of the banks remained undisputed.

If we attempt to account for the last developments of the customs we are studying our task becomes easy enough. Whatever may have been the origin elsewhere of inequality of landed property, it is clear that at McDonogh its source was the selfishness of the strong. The fact that in Herbert Spencer's words, these boys had "like claims to pursue the objects of their desires;" that their world was "adapted to the gratification of those desires;" that they were similarly brought into their world and the consequent fact that they had "equal rights to the use of this world,"—these facts did not in the least interfere with the satisfaction with which the monopolizing landowners ate the rabbits that rewarded their iniquitous industry. On the contrary, they proceeded, with no qualms of conscience, to develop to the utmost their new powers of ownership.[1]

In the usual course of progress we should expect rights of devise to follow the appearance of rights of private ownership. "Originally," says M. de Laveleye, "testamentary disposition was completely unknown; primitive nations did not understand how the mere wish of an individual, taking effect after

[1] See Appendix on "The Instinct of Property."

his death, could decide the ownership of property . . ."[1] The opposition to the right of devise has in almost all cases, however, yielded to other considerations, and wills have been permitted. Thus, among the ancient Irish, the influence of the Church was paramount in disputes over the validity of devises. In Lower Bengal, after the break-up of the village system, wills were successfully introduced through the influence of English law.[2] In like manner, after the establishment of individual property at McDonogh, testamentary rights were firmly implanted. The necessary decease of the property holder is represented by his departure from the school; by regulation of the Board of Trustees the boys leaving the institution on reaching their seventeenth year. When the time came for some of the monopolists to die, they could not carry with them their ill-acquired rights, but none the less did they continue to take an interest in what they were about to lose. They bethought themselves of leaving their possessions to their friends. Two or three boys were commonly associated in the trapping enterprises, and when one departed he left his land to his partners. The remaining shareholders maintained the testamentary rights thus created. In this manner the title to the land was not only taken from the community and put into the hands of individuals, but the wishes of the individual owners were sufficient to establish the new legal principle of testamentary disposition.

When the system of individual ownership had been in operation two or three years, it had come about through judicious purchases and devises that all the land available for catching rabbits had fallen into the hands of three owners. They found it impossible, although they got up at three o'clock every morning, to visit all their traps, and, to relieve themselves of the burden, they began to sell portions of their land and to lease others. A swamp famous for its game they let in con-

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[1] De Laveleye, Primitive Property, p. 178.

[2] Maine, Village Communities, p. 40; Early History of Institutions, p. 56.

sideration of the payment of half the rabbits caught in it. On another occasion a lucky fellow found the greatest treasure obtainable by an egg-hunter—the delicate downy nest and pearly eggs of a humming bird. These, together with some minor articles, he gave up to a monopolist for a piece of land.

The landlords have always kept enough land in their possession to supply themselves plentifully with game, and it must be said to their credit that they display remarkable energy and industry in tending their traps. On the coldest morning of November, they will leave their beds before daylight, and, lantern in hand, trudge off two or three miles through wet fields and dense bushes to the rabbit paths in the swamps, and the "gnaws" along the fences, where their traps are set; then back in time for chapel at half-past six. The walk is weary enough at times, but when they return with a rabbit dangling from either hand they feel amply repaid for all their toils. In the course of a single autumn the catch often amounts to a hundred and the possession of these delicacies makes the favor of the trappers much sought after by some of the boys. From this cause they are at times attended by several vassals, ready for most services required of them. These vassals will often visit such traps as their lords cannot well reach, and are rewarded with savory morsels. The *principes* and *comites* are not generally troublesome members of society; their rights are established, and, as long as society lets them alone, they have every reason not to quarrel with society.

Some restless busybodies have at times cavilled at the privileges of the landed aristocracy, although they have been so long established; and there has recently been some fear of an agrarian revolution. Until lately all the most productive land was in the hands of three boys; and at length, envy of their prosperity caused the rise of a socialistic party. These reformers desired that a re-distribution should take place, and that every boy entering the school should have an equal share with those already there. "The land," said, in sub-

stance, the leader of the agitation, "belongs to all of us. Every boy here has the right to catch rabbits. Boys that leave the school have no right to give away their land. It belongs to those that come to take their places. We are forty-seven to three. We must combine and force these robbers to divide."

These demands were so vehemently urged, that the monopolists found it necessary to make some concession. Accordingly they picked out some of the least productive ditches, and gave them to members of the agrarian party. This had the effect of quieting the agitation for a time, but it was soon renewed. The three boys who held most of the land had promised to devise it at their departure from the school, to a single owner, one of their retainers. No sooner was this known than the socialists returned to the attack. A dread of revolution took possession of the landlords, and they yielded to the popular clamor so far as to forego their intention of appointing a sole legatee. One-third of their property they sold to a firm of three members; another part they sold to two boys; and the remainder they gave to another firm of three, one of whom was the boy they had proposed making lord of the manor. About the same time the socialistic leader became engaged with five others in the aforesaid monopoly of musk-rat catching. These circumstances cooled the zeal of the reformers and the agitation died out.

2. Boy-Legislation.

The legislation of the boys has been already referred to in speaking of the growth of ideas of property in nests and trees. We have seen how the school-fellows fixed the date of the walnut harvest, and determined that nests should not be taken from trees marked with a ticket. No account, however, was given of the legislative body and its procedure. The former resembles in the extent of its powers the primitive assembly, or village council. Its origin, however, was

entirely independent, and not the result of any imitation. The boys have never the faintest notion that they are reproducing one of the most ancient of institutions. They do what seems good in their own eyes, with no reference to the outside world, and with no intention of imitating anything belonging there. Yet the account given by Wallace might almost be taken for a description of the Boy Assembly at McDonogh.[1] Each of the assemblies is democratic and primary; each legislates; as will presently appear, each judges; each is guided by an unwritten law; each exerts itself to make as nearly as possible a fair division of the communal property; each fixes the date of the opening of harvest. The informality of the

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[1] I quote here the liveliest description of such a body that I am acquainted with. "The Commune is, in fact, a living institution, whose spontaneous vitality enables it to dispense with the assistance and guidance of the written law. . . . All the real authority resides in the Assembly, of which all the heads of households are members.

"The simple procedure, or rather absence of all formal procedure, at the Assemblies illustrates admirably the essentially practical character of the institution. The meetings are held in the open air. . . . Any open space, where there is sufficient room and little mud, serves as a Forum. The discussions are occasionally very animated, but there is rarely any attempt at speech-making. . . . The whole assemblage has the appearance of a crowd of people who have accidentally come together, and are discussing in little groups subjects of local interest. Gradually some one group, containing two or three peasants who have more moral influence than their fellows, attracts the others and the discussion becomes general. Two or more peasants may speak at a time and interrupt each other freely, using plain, unvarnished language, not at all parliamentary, and the discussion may become for a few moments a confused, unintelligible noise, 'a din to fright a monster's ear;' but at the moment when the spectator imagines that the consultation is about to be transformed into a promiscuous fight, the tumult spontaneously subsides, or perhaps a general roar of laughter announces that some one has been successfully hit by a strong *argumentum ad hominem*, or biting personal remark. . . . Communal measures are generally carried in this way by acclamation. . . .

"The assembly discusses all matters affecting the communal welfare. . . . It fixes the time for making hay, and for commencing the plowing of the fallow field; . . . above all it divides and allots the Communal land among the members as it thinks fit."—Wallace, Russia, vol. I, p. 193.

Russian Assembly is naturally exceeded amongst the school-boys. In the Russian body, every man is so independent that the Village Elder has only the semblance of a presiding officer's authority, without the power even to call a member to order. At McDonogh no president is known. Whoever is most influential takes the lead in despatching the business of the moment. It is not, however, necessary to break the wind of our comparison by driving it too far; all that is desired is to point out the general similarity of the Assembly at McDonogh to a typical village council.

The entire informality of the proceedings of the boys and the principles that underlie their actions are well brought out in the accounts they have given me of the passage of their more important laws. When attempts were first made at exclusive ownership of trees containing birds'-nests and squirrels' dens, the community took notice of the matter. Some boys had the habit of marking a tree by laying a piece of wood at the foot, and others by writing their names upon a piece of paper and fastening this upon the bark. The conservative boys desired that no system of marking should be permitted. The debate on the question of what should be done was not held on a fixed day, or in a settled place, or even in the presence of the whole body. School work and play were too pressing for all to gather at once. On the contrary, the subject was talked over wherever several boys came together. Traditions vary as to whether a meeting of all the boys was held to make the final test of a vote; and whether the time of voting was extended over a whole day or even several days. But whatever may have been the details, the essential facts are clearly enough described in all the accounts.

After much debate, three resolutions respectively embodying the views of the three parties were written out and pasted upon the wall of the school room. The vote was then taken, and each boy signed his name beneath the proposition that he favored, where it was in full view of everyone.

Upon counting the signatures, a majority was found to be for permitting the placing of tickets upon trees as evidence that they were claimed by individuals. This "rule" (which is the term the boys apply to their enactments) immediately went into effect, and has ever since been the law. The decision was by most voices as it would have been at Washington or Westminster. In that lies the cardinal fact. Whether by imitation or by instinct, the boys hit upon the principle that hinges all "government by discussion."

Some years after the passage of the law providing for the ticketing of trees as a means of taking possession, it was found that labels tacked upon the trunks occasionally fell to the ground; whereupon a passer-by, although he might see the label lying at his feet, would take possession of the eggs that it was intended to protect. A strict adherence to the letter of the law is counted as righteousness among primitive peoples, and our boys are yet in the savage state of morality. In order to improve the security of property, a meeting was held at which, I understand, but few boys were present. It was agreed by them without any of the formality of a written vote, that it should thereafter be unlawful to disturb any nest where the label intended to mark it could be seen lying upon the ground. After this assembly broke up, the consent of a sufficient number of other boys, who had been absent, was obtained by going about and asking them to agree to the "new rule." The informality of the passage of this statute seems to have caused no remark, and it is still part of the law. Upon its application turned an interesting cause to be hereafter described.

Some incidents seem to point to the downfall of the popular system of law-making. The fact that a small number of boys have sometimes agreed upon a "rule," and afterwards obtained the consent of a sufficient number of the rest to put it into operation is a constant temptation to the stronger and more influential boys to propose laws and declare them adopted without the consent of a majority. The land monopolists take the lead in this revolutionary measure and their course is

skilfully chosen. They are careful to make such regulations as meet with general approval. A small body of large boys may easily avoid a collision with the others and yet impose laws without the formality of consulting the rest. The next and easy step is to an oligarchical government. There are indications that before many years it will be taken, and that equality of political rights will share the fate of the equality of property.[1]

3. Judicial Procedure.

Inquiries into the customs of the "McDonogh boys" cannot be carried far before one is struck with the peace and good order generally prevalent in the community. Fights between angry boys do sometimes occur, to be sure, but the belief of the authorities of the school is that the number of these combats has steadily decreased with the lengthening life of the institution. Little fellows who have not lived at the school long enough to have become imbued with the general feeling often tug and strike impotently at each other; but the older boys so seldom ask the decision of the fist that a fight between two of them is an event never to be forgotten, which tradition hands down with greater embellishment at each succeeding year. When a combat does begin it rarely happens now that the matter at issue is connected in any way with rights of property. Insults and bullying may lead to fights, but disputes over nests or trees usually come to a peaceable end. Yet this result has not been reached by active efforts on the part of the Principal and his assistants to prevent fighting, or even greatly to discourage it. No boy has ever been punished because he was the bearer of a pair of blackened eyes; and further than to prevent exhibitions of violence in their immediate presence, the teachers have not interfered with any arrangement for settling quarrels that might be made by the pupils. In spite of the objections that

[1] See Appendix for an instance of the triumph of the oligarchs in a contest over the date of the harvest.

may be offered to this official apathy by the sentimental reader, a close approach has been made among the members of a quite heterogeneous body to the desirable state of peace and good will. No control having been exercised by the faculty, the boys themselves have regulated the matter.

The custom of the school from the earliest days has been, when a fight is in progress, to form a ring of excited and vociferous spectators around the enraged pair, and to regard the struggle as a gladiatorial exhibition for the entertainment of the throng. The fighters, thus made the center of the public interest, are usually impelled by self-respect to desperate efforts; but where this is not so, the lookers-on, feeling themselves defrauded of a proper gratification, will often insist upon a continuance of the struggle until one or the other of the combatants is thoroughly beaten. Every boy, therefore, feels he must beware of entrance to a fight, and all other possible measures are usually tried before an appeal is made to force.

I should give a very incorrect impression, however, if I permitted it to be thought that the McDonogh boys never yield to ill temper. As will presently appear, they are in possession of an effective means for settling quarrels over the title to property, but the punishment of offenders is left to the injured person and his friends. When, in the autumn of 1883, a boy from the neighborhood was detected in robbing rabbit traps, the owners of the game summarily and successively gave him a beating, without the least formality or authorization. A case has also come to my knowledge where a debtor, who had made an assignment of his property which proved insufficient to meet all demands, was trounced very soundly by an angry creditor. Another debtor had exhausted the patience of his creditors by unfulfilled promises to pay, and was plainly told by them at last that unless his debts were liquidated within two weeks, he must fight them all in succession.

While such deeds of violence stand out in the reader's mind, in the daily life of the boys they bear the same insignificant

ratio to the quiet whole that the murders held up to daily horror in the press bear to the humdrum life of the world. This peaceful condition appears in a more striking light when one considers the great number of questions for dispute certain to arise in the daily life of the "McDonogh boy." He often hears discussions over the rights of the rabbit-trappers to the possession of the land; he can hardly fail to weigh the arguments by which their practice is attacked and defended; and he is sure to take sides either for or against them. The perplexing questions of the advantages and disadvantages of a system of individual land-holding are not the only difficulties with which his sympathies and his reason have to deal; for the working of the customs of the school frequently forces upon his notice intricate problems of right and usage. It is apparent that in the operation of the somewhat complicated system of property heretofore described, it is impossible to avoid disputes, and other causes of contention are not wanting.

The inconvenience of fighting over all these matters has led the boys to invent an archaic judicial system, which presents almost as many analogies to primitive usage as do the customs of land tenure already described. Perhaps no savage usage is more widespread than that of an appeal to chance to decide questions of fact. "The almost universal test among savages of guilt or innocence, where there is a want or conflict of evidence, is the ordeal," says Farrer.[1] The same author remarks that some of these tests "decide guilt not by an appeal to the fear of falsehood as an oath does, but by what is really an appeal to the verdict of chance." The pages of travellers teem with instances of this custom. When the natives of the Gold Coast decide the guilt or innocence of the accused by the facility with which he draws a greased fowl's feather through his tongue, or a cock's quills from a clod of earth,[2] the result is left entirely to accident. An equally

[1] Farrer, Primitive Manners and Customs, p. 173.
[2] Bosman, quoted by Farrer, *ibidem*, p. 175.

unreasonable form of procedure is followed at McDonogh to decide many trivial questions. That reverence for luck to which attention has been called by Bagehot as so strong among children and savages, holds its own there.

In the game of marbles, a very intricate game as played at McDonogh, with endless opportunities for difference of opinion, almost all questions of fact are settled by a sort of ordeal. Suppose, for instance, that Edwards, Taylor, and Fergusson are playing, and that but one marble remains in the ring. When this is shot out by Edwards, each of the others cries "second." Apparently, they utter the word simultaneously, but each claims the right to shoot next after Edwards in the next round. "I had second!" says Taylor.

"No, you didn't: I had it!" declares Fergusson.

Taylor then thrusts his hand into his pocket, and brings it out closed over one or two marbles.

"Odd or even?" he asks his opponent. The other guesses and answers: if his guess is right, he has the second shot; if he fails, Taylor precedes him. Some boys that I questioned, regarded this as nothing but a device to avoid quarrels; but others thought that "something would make a fellow guess right if he deserved to."

Luck is also permitted to decide questions of ownership. In the spring the boys usually form partnerships of two or three, and put all the eggs they find into a common box. In the fall they dissolve these firms, and as they always divide the stock of eggs by "drawing straws" for the first choice and alternately choosing the eggs, they reach a very unfair result. The boy who draws the longest straw chooses the best egg each time it is his turn to choose, while his companions get the next best. At the end of the division there is usually a second drawing for the odd egg. In this drawing the boy who before had the luck to get the first choice is on as good a footing as the others, and of course it often happens that after having chosen the best eggs he also gets one egg more than the others.

I am conscious of a feeling that these facts look petty. I am aware that some of my readers will say: "There is nothing remarkable here. Luck enters more or less into every game. Why call attention to a thing everyone has seen?" I can best answer this in Mr. Bagehot's words: "Persons who stand up for the dignity of philosophy, if any such there still are, will say I ought not to mention this because it seems trivial; but the more modest spirit of modern thought plainly teaches, if it teaches anything, the cardinal value of occasional little facts."[1] The very universality of this regard for luck, which is admitted in the objection, is itself proof of the proposition I desire to advance, viz., that one of the striking resemblances between children and savages appears in their constant appeals to chance. If everyone has in his own experience a fact going to support this, the proof is so much the stronger.

An appeal to a bystander to settle a quarrel in order to prevent an appeal to force is so common among all boys, that everyone must have in mind instances of its occurrence. When two McDonogh boys quarrel over a rule of marbles, some one near is often asked to settle the dispute. A little fellow told me that they liked to ask the mediation of "a big boy who could whip the others." Sir Henry Maine thinks he has traced to this universal habit of arbitration the origin of the Roman *Legis Actio Sacramenti*. "Its venerable forms pre-suppose a quarrel and celebrate the mode of settling it. It is a passing arbitrator whose interposition is simulated by the Praetor." The expedient of laying a wager to secure the postponement of a quarrel, (very common among McDonogh boys), the same authority, with an apology for the seeming triviality of his suggestion, supposes "to be the true significance of the *Sponsio* and *Restipulatio*, which we know to have been of the essence of the ancient Roman *Condictio* and of the agreement to appear before the Praetor in thirty days."[2]

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[1] Bagehot, Physics and Politics, p. 130, (Eng. ed., 1876).
[2] Maine, Early History of Institutions, pp. 259, 260.

Arbitration, the ordeal, and the wager are not the only modes of settling quarrels practised at McDonogh. All the boys near the scene of a dispute are sometimes appealed to for the decision of a controversy. The simplest instance of the exercise of judicial power, by a number of boys together, occurs when several of them are inconvenienced by some wrongful act of one. They summarily decide his guilt, fix his punishment, and execute the sentence upon him. During the summer vacation the boys remain at the school except for a few days, and their time is spent in light work upon the farm. It sometimes happens, when a squad of boys is sent into the harvest field, that one of the number is told off to bring them water to drink during the heat of the day. The part of water-carrier is usually assigned to the smallest boy present, and in his frequent trips between the spring and the wheat field he may succumb to the temptation to wander off after a birds'-nest or to lie down in the shade. If he is detected in such a misdeed by his companions, they seize his arms and legs, lift him from the ground, and swing his body against the nearest tree—a punishment known at McDonogh by the name of "bumping." Any neglect of duty by which a number of boys are inconvenienced is likely to be followed by this penalty. A boy whose business it was to bring the butter for meals from the dairy to the dining-room was once "bumped" because his thoughtlessness forced the whole school to breakfast without that pleasant emollient.

Disputes arising from their peculiar customs of ownership are settled by boys assembled at the place where the controversy is carried on. Most commonly this is in the play-room where they can be free from observation. When Black and Landreth found the nest of a dove in the pines, seeing no mark of prior owners upon the tree, they took the eggs and brought them to the house. As they sat in the play-room with needles and straws, preparing the eggs for their cabinet, Delphey overheard their talk, and questioned them about the spot where the nest was discovered. He soon convinced

himself that the nest was one that he had found but a few days before, and on which he had placed the mark of himself and his partners. When he was satisfied on that point he at once laid claim to the eggs. Landreth and Black angrily refused to give them up, and they were soon hot in dispute. Under the law made for such cases the question of ownership is a nice one. It is granted on both sides that if Delphey, the first finder, is to retain a good title, his label must either remain upon the trunk of the tree, or else lie in sight upon the ground beneath, where it has fallen by accident. If neither alternative is complied with, any subsequent finder may either take the nest or mark the tree with his own label.

By this time a knot of a dozen boys, who had been idling about, had formed around Delphey, listening intently. In a few moments he called Duvall, his partner, for confirmation, and with the utmost particularity related the circumstances in which he had found the nest. Delphey told of the route they took over the stream, through the swamp, and up the hill; and mentioned the boys they met on the way, whom he compelled to corroborate his assertions. By the time Duvall takes up the account, the ring surrounding them has become larger; perhaps twenty boys have gathered, and they listen with strained attention. He proceeds to describe the tree in which the nest was placed, and dwells with convincing minuteness upon its exact situation, upon the color of the bark, the broken limb, the knot half way up the trunk, and the nailing of the label upon it. To all of his statements it may be that his adversaries, Landreth and Black, assent, only interjecting at intervals the words: "But there wasn't any mark on the tree when we were there." The declarations of either party are addressed as much to the throng around as to their opponents, and it is evident, in the heightened color of the bystanders, in their sparkling eyes, and in their tense muscles, that to them the question is of absorbing interest. Now that the argument of the plaintiffs has been heard in full, there can be no doubt that they marked the nest as they

declare; and yet there is nothing to indicate that the defendants have any intention of restoring the property.

Seeing the angry looks and threatening gestures of all the group, one who does not know the school may judge that blows will follow next, and that a general conflict is about to ensue between the partisans of the claimants. Nothing could be farther from the truth. What has occurred is but the ordinary proceeding of a very primitive court of justice. Delphey knows that Black's arms are strong, his fists hard, and his blows rapid. Landreth has no desire to risk the destruction of his treasure in a struggle where, even if he retains it, he is sure to do so at the cost of bruises and blood. As he rises angrily from his seat and pushes through the crowd, he is not seeking space in which to fight, but a witness to establish his title. This body of spectators, who seem intent upon hearing the whole matter and sifting it to the bottom, is—if the name will serve—the folk-moot, the assembly of the people, met to see justice done according to law. Each boy standing in the ring around the orators knows that to-morrow he may be there to maintain his rights before a similar body, in which the plaintiff and the defendant of to-day will alike have a voice to decide upon his claims. He has a feeling that a decision contrary to established custom, however it may accord with his momentary sympathies, will be treated as a precedent to overthrow his most cherished interests, and to prevent the operation of rules upon which he has confidently counted in every venture in which he is engaged. Every boy there is determined upon the entire preservation of the system of law upon which he has based all his hopes of filling his egg-cabinet.

We have turned aside a moment from following the actions of the litigants. The clamor of voices rose louder as Landreth moved off, but it subsided somewhat as he reappeared, accompanied by Miller, on whose testimony he relied. The newcomer rapidly explained to those around that he, too, had seen the nest on the day Landreth took it; he had examined the

tree, and Delphey's mark was not upon it; he had searched the ground beneath, and could not find the label there; he would himself have carried off the find, but for the fact that he saw only a single egg, and thought it better to put his own claim-mark upon the trunk, and wait till more eggs were laid; when he had intended to return and get them. It had happened, however, that during his previous search for nests he had, in marking other discoveries, used up all the labels that he had brought with him, and he had therefore been unable to appropriate the tree at the time. It was after he had gone away, and before he could return with a label, that Landreth had found the nest and possessed himself of its contents, which had meanwhile been increased to two eggs by the industrious bird.

This evidence ended the trial. Loud cries arose from all parts of the throng. "It's Doggie's nest. It wasn't marked when he found it," said one member of the tumultuous court. "Your mark was blown away, Rufie," exclaimed another; "It's Doggie's nest." No opposition of importance was made, and, the decision being rendered, Delphey and his partner saw their case was lost and slowly walked away. Landreth and Black, who retained the eggs, returned to their work of blowing them with straws. The making of the claim, the trial and the decision, occupied less than half an hour. If not sure, this justice is at least swift.

A word may here be given to the ethical questions brought up by this decision. It was admitted by all parties that two boys had found the nest before Landreth and Black had seen it. Landreth's claims in the view of equity would have to yield to Delphey's, who not only found the nest but marked it, and who, in so far as prior discovery gives any rights, clearly had them all. Landreth's title rested upon a purely technical ground. Yet, with a characteristic analogy to primitive habits of thought, it was considered that the perfect title was obtained by a literal fulfilment of the words of the law, by an exact compliance with its minutest provisions.

The law provided that no one should take a nest when the mark was on the trunk beneath, or in sight upon the ground. As it had been proved by Miller's testimony that Landreth could not have seen Delphey's label, Delphey's rights vanished.

There can be little doubt that the negligent driving of a tack was all that made Landreth the better owner than Delphey, and that Landreth was perfectly aware of this fact. When the suitors and judges were questioned as to why such a decision was given, the only reply to be obtained was, "That's the rule." Like Shylock, Landreth might have said: "I stand here for law," and his determination was to maintain to the full every legal privilege. The idea that the law might give advantages, the use of which morality could not sanction, is so late of development in the legal history of mankind that we must not regard the absence of such a conception among these boys as an indication of an abnormally low state of moral culture. To look for exalted views of right and wrong among them would be to expect them to reverse the usual processes of mental progress.

I have treated this incident at such length because of its typical character, and of its likeness to primitive usage. If it was an event of rare occurrence, its significance would be less; but it is, in fact, an example of what occurs almost daily at McDonogh. The crowd of boys assembled about the contestants, whose verdict decides the controversy, is, in many respects, the counterpart of a primitive assembly of the people in the folk-moot. Every boy has the right to express an opinion and every boy present exercises his privilege, though personal prowess and great experience in matters of law have their full share of influence on the minds of the judges. The primitive idea that dispensing justice is a public trust, which the community itself must fulfil towards its members, is embodied in this usage of the "McDonogh boys." The judges are not arbitrators chosen by the disputants, nor are they public functionaries, whose sole business

is to preside over the courts, but the whole body of the population declares by word of mouth the right and wrong of the matter. This tumultuous body of school-fellows, giving decisions in quarrels and determining questions of custom, reproduces with remarkable fidelity, the essential character of the primitive Assembly.

4. Boy Economy.

It accords with the analogies heretofore drawn in this sketch, that barter is common in the trade of the boy-community, and the staples of the hunting stage of culture are much dealt in. When a boy finds the white eggs of a pewee he is seldom content with once despoiling the mother of her treasures; and, by putting into the empty nest a marble or a round, white stone, he often succeeds in inducing the credulous bird to repeat her maternal function. Not that he desires to hoard more than two or three specimens of a kind; but there is a certain exchange value attached to every egg, which enables its possessor to buy others he may lack. For example, a hunter and trader has told me of the egg of a wood-pewee and the egg of a bee-martin having been given for a single egg of a yellow-throated virèo. Again, while one partridge egg passes for one of the red-headed woodpecker, and two chickadee eggs have been paid for one of the great red-shouldered buzzard, no fewer than seven eggs of the sandy mocking-bird are required to buy one rare kildeer's egg. By means of these exchanges a hunter is able to round off his collection, and to give it a completeness unattainable if he relied solely upon his own trophies. Among other natural products forming subjects of barter may be mentioned cherries, raspberries, apples, blackberries, and grapes. These are collected in considerable quantities; and are exchanged with the housewives of the neighborhood according to an equitable scale of prices, hot pies being taken in return for fruit. After a similar manner the rabbit trappers,

unable to consume all their game, put a portion of it upon the market; where they receive in payment, any convenient article of boy-merchandise, such as a knife or a top. The successful squirrel-hunters obtain more of these pets than their affection is capable of covering, and the surplus they exchange with such boys as have not the agility and daring necessary to reach the aërial nurseries.

At the same time, passing from the hunting to the pastoral stage, they build pens for their captives, where they confine the animals, rearing and training them for weeks. The attention thus required sometimes exceeds the ability of the owners, and they find it needful to employ an assistant. I quote from *The Week*, the little newspaper in which the boys chronicle their doings, the following note of a contract of this sort between master and servant:

"April 14, Miller and I made a bargain with Cook about feeding our squirrels. We told him we would give him a healthy young grey squirrel if he would feed all the squirrels we got this year. We furnish the food, milk for the young ones and nuts for the older ones. He feeds them from three to five times a day. H. C." I hope I shall not be thought to trifle with a grave subject if I suggest that in this use of domestic animals as a means of paying wages we come upon a reproduction of that old form of money, whose character is indicated in the supposed etymology of our English word fee, (German *Vieh*, cattle), so long a standing illustration with economists.[1].

Commonly the primary object of the hunters is to obtain a handsome collection of curiosities, and to enjoy the satisfaction of possession along with the esteem inspired by success; but occasionally a boy hunts with a purely commercial end in view. I have been told of one who made a practice of exchanging all the eggs he found for the allowance of butter

[1] Roscher, Political Economy, I., p. 352. See also Maine, Early Hist. Inst., "feud," "fief" from *Vieh; cf. pecunia, pecus.*

given to his companions at meals. This latter is dealt out to the boys in approximately equal portions of an ounce weight, and is frequently used by them as a means of exchange and measure of value. A flying squirrel has been known to bring fifteen "butters;" and a sling, five "butters." The unit is subdivided once, the fractional piece being know as the "half-butter," and having a purchasing power about equal to that of one cent. Some boys who entered upon the manufacture of taffy obtained the needed butter by buying it from the rest at the price of two cents for one "butter," payment being made, at the option of the seller, either in money or in taffy.

Their transactions are often so complicated that the boys find it desirable to lessen the number of payments of this novel currency, and they employ for this purpose a system of verbally transferring their claims from one to another, somewhat as merchants use negotiable notes. Perhaps A buys a knife from B for ten "butters." B has an outstanding debt of the same amount for marbles; and he transfers to his creditor C, his claim against A; who pays to C, or to anyone else whom C may designate.

At first glance this use of butter as money seems laughably odd; but in fact it could be easily paralleled by long lists of articles equally far removed from the gold, silver and paper of our own currency, which have yet served as money in different parts of the world. The wampum of the early Indians is familiar to all readers, and Jevons and Roscher enumerate, among many other substances that have been so used, corn, wolf-skins, whales' teeth, and straw mats.[1] The former of these distinguished authors remarks, that "it is entirely a question of degree what commodities will in any given state of society form the most convenient currency;"

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[1] Jevons, Money and the Mechanism of Exchange, pp. 19–29. Roscher, Political Economy, I., Section cxviii.

and our boy-state being in a condition where butter served the purpose, its citizens adopted that commodity as their money.[1]

The agricultural stage of progress is scarcely to be discerned in the history of the boy-community, the explanation perhaps being that the boys have so much agricultural labor to perform in their daily tasks that they have but little taste for it during their hours of freedom. At any rate, further than to admit the ownership of a few neglected gardens, they seldom take any independent part in tilling the ground. In the manufacturing stage they are much more advanced, and some of them have carried on the making of taffy with considerable profit. There being no competing shop within a mile's walk, a little molasses, a little butter, a tin pan, and

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[1]At Phillips Exeter Academy, New Hampshire, in my day, there was a pie-currency in vogue among the boys who boarded in Abbot Hall. Pie was something of a luxury, for it was furnished by "Burnham," the steward, only twice a week. The idea of value in exchange was naturally connected with our Saturday and Sunday allowance of pie; in fact there was a constant trading of different sorts of pie, a boy offering his mince or custard pie of one week for the apple or pumpkin pie that was to come the next week. Pie-debts were, moreover, incurred in a variety of ways, chiefly for services rendered, *e. g.*, by one's chum in making the fire on a cold morning, when it was not his turn; or by one student aiding another in his lessons, etc. Boys would wager their pie sustenance for a week, and sometimes for a month, on a match game of ball. These young barbarians, at their ball play, used to rival the ancient Germans, who, as Tacitus describes, sometimes staked not only their property, but their very freedom in games of chance. What could be greater recklessness for a hungry boy than to risk his pie for a month on the issue of a game of base-ball? In ordinary transactions the unit of pie-value at Exeter was the "piece," which was served us on a special plate; but there were as many standards of value as there were sorts of pie, so that in the settlement of a small debt of one or two "pieces," boys sometimes sought to pay their creditors in pie of an inferior or less marketable quality. Poor pie was like trade dollars. Sometimes a creditor would find himself with an embarrassment of riches. If his debtors insisted in paying off their obligations on one day in one sort of pie he would be obliged to eat up all his perishable substance at once, or to dispose of it at a considerable sacrifice.—Ed.

the borrowed stove of a friendly cook, or even an improvised furnace of stray bricks, formed all the capital required for the successful prosecution of this enterprise. The market for the product was immediate, the demand pressing, and nothing but legal money was taken in payment. It was easy to treble the investment at each venture, and capitalists who before had counted their possessions in cents soon began to reckon in dollars. Naturally a fierce competition set in, and improvements were made in the manufacture: pulled taffy was substituted for the crude, dark product; and the making of caramel was attempted. As a means of attracting customers, sales upon credit were made, the time of payment being extended to the next holiday, when supplies of cash might reasonably be looked for. It was not long before a large part of the community was deeply in debt; and a most interesting commercial crisis might easily have followed these events; but knowledge of the state of affairs coming to the supreme government, the further sale of confectionery was prohibited. Such a measure was not nearly so disastrous to the commercial part of the community as might have been the case in the adult world; for the juvenile manufacturer, when cut off from any market, is able to consume his wares in his own person, with the result, perhaps, of only a slight internal disturbance. In order to prevent any temptation to engage in the illegal traffic, the sale of confectionery was made a government monopoly, like that of tobacco in Germany, and sweets were retailed to the citizens at wholesale prices.

While despotic interference, as in the matter of the taffy trade, may prevent the natural development of many interesting usages, it has also given rise to a new institution of the highest importance, whose subsequent history cannot be neglected. The regulation of the out-door work of the boys has led to the use of still another form of currency, and to the establishment of a banking system. When the school was opened it was found necessary to devise some means of pun-

ishing many petty offences. None of the ordinary penalties, such as writing "lines," or any other sedentary torture, commended itself to those in charge; but as the school was in possession of a large farm, and as farm labor provided vigorous out-of-door exercise, while it was at the same time unpleasant enough for the purpose in view, it was decided to put the culprits to work at hoeing and weeding, picking stones, and such like tasks. For neglect to blacken his shoes before breakfast a careless urchin was compelled to spend an hour-and-a-half, hoe in hand, among the cabbages, while his more heedful companions played baseball or marbles. A record of each boy's misdeeds was entered in a book and called his "debits;" and one "debit" was cancelled when the evil doer had spent the required time in labor and had thus earned a "credit." After his penance, his sins were no longer remembered against him.[1]

It was felt that farm work afforded so valuable an industrial training, together with such excellent hygienic results, that it would be well to make systematic out-door employment part of the education of every boy. With this view the whole school was made to husk corn and do all other light farm work affording employment for all of them together. When there was not enough work to keep all busy, only those were compelled to labor who had peccadilloes charged against them, or to use the slang of the school, those who had "got on the work list." At the same time the principal concluded to pay wages for the work thus done. It was then decided to give each boy, whether charged with any fault or not, a "credit" for every hour-and-a-half he spent at work.

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[1] This system of making manual labor a punishment was not begun without some fear lest it might make the boys feel that labor was degrading. Happily no such idea obtains among them, perhaps because the offences thus punished are rather the result of boyish heedlessness than of any moral turpitude. Work is felt to be an evil to be avoided, but the habit of industry never suffers.

If he had no misdeeds to clear off, the "credit" would indicate that he had performed a work of supererogation, entitling him to impunity for a future offence.

"Credits" were of little value in the eyes of the boys until they were made transferable. This happened very soon and, in a measure, through the action of the boys themselves. A little fellow who had a faculty for getting into trouble, excited the pity of a big schoolmate by having such a score that he could apparently never balance it by his own efforts. The older boy was allowed to transfer to the younger's account a portion of his wages saved, and afterward any boy having more "credits" than "debits" was freely permitted to dispose of the excess as he wished. This gave an exchange value to the "credit" which at once, and immensely, increased its importance. A boy who "had got on ten days" had only to induce some one to transfer ten "credits" to his account, and he was saved the discomfort of spending ten of his afternoons, axe in hand, at the wood pile. The inducement for the transfer he could provide in cake, apples, a top, a sling, or any other article of juvenile merchandise. Conversely, a boy having a number of "credits" could buy many desirable articles from those "on the work-list." "Credits" at once became currency, transferring and measuring value. Like all currency as yet invented, the "credit" is unstable in purchasing power, but the prices here quoted will give a reasonably accurate idea of the worth of the unit. During the autumn of 1884, twelve plain "pewee" marbles sold for one "credit;" as did two of the more esteemed "potashes." Formerly four ginger snaps fetched the same price, or one stick of cocoanut candy, or one large "life-preserver" ginger cake. Two "credits" will buy a plate of dessert; five "credits" were the wages of a boy hired to help in the walnut harvest; ten were given to another for shaking a chestnut tree; twenty-five for wading into a tank of water in search of a lost ring; and sixty for a valise. The transfer of "credits" is effected by means of a written check in the following form:

McDonogh, *January* 1, 1884.

Mr. Lyle:

Please give Boullt ten of my credits.

Gilmor.

This is hung upon a nail driven into the wall of the school room, and each morning the boy in charge of the "work-list book" makes the proper entry of the transfer in his accounts. This boy is, as it were, the banker for the whole school. He keeps his accounts with scrupulous accuracy, and it is to the honor of the school that no charge of corruption has ever been made against the custodian of a great part of the wealth of the community.

In the autumn, during the corn harvest, the whole school is at work for a part of each afternoon, and almost the whole of Saturday. "Credits" are regularly paid for this labor, and become so plentiful that the total volume of the currency sometimes reaches as high as two thousand. The purchasing power then decreases, for whether a boy has "credits," or is "on the work-list," he is compelled to work. This period of inflation is usually a time of great extravagance, as many boys have not sufficient forethought to consider that winter is approaching, when only those "on the work-list" must work. They recklessly incur "debits" by neglect of their dress, and, until the prohibition of the traffic, they squandered their earnings in apples, candy, and the large ginger cakes known as "life-preservers:" now they buy butter, marbles, rabbits, or another boy's share of dessert. Speculators in these wares rapidly make a fortune, and secure for themselves a winter of ease. As the supreme government always claims a prior lien for its demands upon the property of its subjects, every boy is required first to apply his "credits" to the payment of his fines, or "debts;" and whatever debts he may owe, he must defer settlement until he has balanced his account with the State. The consequence of this regulation is that the boys sell only for cash, and refuse entirely to deal

with those who are "on the work-list." While they are thus never in debt to one another, many boys entirely fail to accumulate any surplus, spending for trifles all "credits" left after paying their fines. Presently work ceases, and "credits" are no longer earned so rapidly: in a few weeks, the more pressing labor of the harvest being over, no one is sent into the fields who has cancelled all his misdeeds. Many boys, however, fail to behave with such immaculate propriety as to cease incurring "debits" at the same time their wages stop. Having laid up no capital by the exercise of a reasonable frugality, it is not long before they are compelled to pay their fines by manual labor; and, as cold weather approaches, they begin to feel like the grasshopper in the fable. Then the difference between the owners of "credits" and those who are "on the work-list" becomes evident. The rich spend their afternoons in skating or sledding, while the poor are grinding corn for the cattle or chopping wood for fires.

The problem of "progress and poverty" thus presented itself to the rulers of our boy-community. The proletarian class, however, obtained an excellent discipline from its misfortunes, and no effort was made to change its condition. On the other hand the growth of a class of wealthy speculators, whose opulence enabled them to break the laws with impunity, was an evil requiring correction. After some years it was found that the older boys amassed such fortunes that they no longer regarded a debit as a punishment; for the owner of two hundred "credits" was not greatly incommoded by the loss of half of one per cent. of his property. So large a capitalist could safely commit one hundred and fifty minor offences before running the risk of having to work as a penalty. The supreme authority then began to regulate the acquisition of wealth by exacting that no boy in any of the three higher classes should receive "credits" from any other boy, but all might still give "credits" away. This threatened to deprive the older boys of all use of "credits" as currency in their sales, and they

cast about for some legal means of retaining the use of this convenient money. They saw that the only object in making the regulation was to compel them to work like the others in penance for their misdeeds, and that this could be accomplished as long as the "credits" they obtained by purchase stood upon the book, not in their own name, but in the name of some boy in one of the lower classes. They then invented an ingenious bank of deposit, by which their hampered commerce was much assisted. Welsh, in the first class, wishing to make a sale, and being unable to receive "credits," in his own name, as payment, arranged with the buyer to make his check payable to Cook, a fourth classman, with whom Welsh had an understanding. When next Welsh desired to make a purchase, he sent his creditor to Cook, with an order, and the banker made the payment demanded, by means of a check in his own name. When the authorities learned of this arrangement, they made no objection, for, however large a fortune Welsh might accumulate in trade, he could not use his balance at his banker's as a means of evading punishment.

The extravagance of some of the boys has led to the development of savings banks. A youngster, whom I will call Stevens, found it impossible, as long as his earnings remained in his own immediate possession, to accumulate any large sums. Having a friend in whose integrity he confided, he made a practice of transferring his "credits" to his friend's account, keeping only a small balance in his own name. In this way he seemed to himself always poorer than he really was, and he was thus able to restrain his extravagance and "save up" for any important object. The banker makes a profit from these transactions, because when only a portion of the school can be employed in the afternoon, the poorer part is taken, and as the banker, with his aggregation of deposits, appears to be rich, he is excused from duty.

While the monetary system thus appears to have reached a high degree of excellence it should be remembered that the machinery by which it operates is all furnished by the authorities of the school, as was the initial idea. If we wish

to see the point to which boys can carry, unaided, a commercial invention, we must return to the "butter" money. In its use we find only verbal demands for payment, and verbal transfers of claims. In the nature of the material there is a bar to an accumulation of currency, though an accumulation of debts is frequent. The perfection of the "credit" system, invented by the teachers, is to be taken rather as a contrast to the imperfection of the "butter" system, of the boys' devising. It is, however, possible that if United States money was altogether absent from the community, necessity, the great mother of invention, might have compelled the boys to use as currency some less defective material than butter.

These observations have been confined to a field so narrow, that they afford an insufficient basis for generalization; and they are recorded here merely for the sake of their suggestiveness as an indication of a new field of study. A review of our facts shows that in the McDonogh School land tenure, legislation, judicial procedure, and industry, are all of a primitive character. Psychological resemblances between children and savages have been noted before, and their importance has been pointed out by both Lubbock and Galton. The former omnispective *savant* some years ago remarked: "The opinion is rapidly gaining ground among naturalists that the development of the individual is an epitome of that of the species—a conclusion which, if fully borne out, will evidently prove most instructive. Already many facts are on record which make it, to say the least, highly probable. . . . Regarded from this point of view, the similarity existing between savages and children assumes a singular importance. . . ."[1] To show a decided resemblance between barbarian political institutions and those of communities of civilized children, would be a long step towards founding a science of Social Embryology.

[1] Lubbock, Origin of Civilization, 505, 506.

APPENDIX.

An illustration of the tendency of the big boys to assume the powers of the Assembly, and to substitute an oligarchical for a democratic government, is furnished by an event happening in September, 1884. Without any authorization by the rest, two big boys, one of whom was a chieftain and formerly a great land owner, announced the fifth of October as the date of the approaching walnut harvest. Some few conservatives declared this a usurpation, and the members of the debating society, becoming interested in the matter, were induced to issue an address to their school-fellows, asking them to fix the date without regard to this revolutionary action. This document was posted upon the wall of the play-room, and under it was written a number of dates with a request that each boy sign his name beneath the date he favored. This appeal for the preservation of the old democratic method of legislating was evidently irresistible, and the innovators were quick to see that they must change their tactics. Knowing that the debating society was regarded as an exclusive body of "literary fellers," they used this unpopularity to defeat their conservative opponents. As the vote of the entire society, with one exception, was cast for the nineteenth of October, the oligarchs were able to produce the impression among the unreflecting voters that a small organized body was endeavoring to take an unwarrantable part in legislation, and thus they completely turned the tables on the conservatives. The result was an overwhelming majority for the date first announced by the two big boys, who were then able to say that the community approved their course, while at the same time they gained the point at issue.

By way of authorities, I append the address just referred to, and parts of two articles from *The Week*,[1] written by the leaders of the opposing factions.

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[1] *The Week* is a rudimentary journal, the undeveloped organ of the McDonogh Boys, who not only support the paper by contributing short articles on local events of juvenile interest, but even set the type.—Ed.

The Address.

"Having heard that some one had appointed October 5 as the day on which to begin to gather walnuts, and not knowing who had so decided, and hoping that the School will not think we are taking too much into our hands, we propose the following plan:—Let each boy [sign] his name under that one of the following dates on which he should like to begin to shake walnuts, and let the date under which the most names are written be the date on which to begin. And now, hoping the School will see this for their good we give the dates."

Then followed a number of dates, under the first of which, that chosen by the oligarchs, thirty-nine names were written. Another had four names below it, and the nineteenth of October stood above the names of nine members of the debating society.

An Oligarch's View.

"Several weeks ago two of the boys who gather walnuts, thinking the walnuts had been gathered too soon heretofore, thought they would try to fix a date that would allow the walnuts to get ripe before being gathered. They named the fifth of October as the day, and it was thought that every one was satisfied with it, but on last Saturday night some of the boys objected to this date as being too soon. They resolved to put up a placard and let every boy vote on the subject, and in this way to decide when walnut gathering was to begin. We had always had no special hour to begin in, but did it at any time after twelve o'clock at night, but this party thought it would be better to have a later hour to begin in, and they let each boy vote for the day and hour. The placard was put up Sunday morning, and on Monday the votes were counted, and it was decided that we should gather at one o'clock in the morning of the fifth of October."

A Democrat's View.

"The society was called to order last Saturday night at 8 o'clock by Johnson, the vice-president. . . . Next, Russell proposed that we put up a placard with several dates on it, and ask the boys to decide for themselves the time to begin shaking walnuts. This was seconded and after several amendments, of which the most important was the one which provided that all members of the society who are interested in the question should try to get as many boys as possible to choose the latest date, it was then adopted. . . . After I had read the form for the placard to the school, and the form had been adopted, the readers took the floor."

The Instinct of Property.

A striking proof of the almost instinctive nature of the tendency from common to individual property in land, is furnished by Icaria, a French communistic settlement in Iowa. The appearance, in a professedly communistic body, of the same feelings that led to the partition of the common holdings at McDonogh is very suggestive as indicating an impulse in both boys and men toward an institution so closely connected with the progress of humanity as private ownership. I regret that the valuable study of Icaria and its unfortunate Utopians, by Dr. Albert Shaw (J. H. U.), recently published by G. P. Putman's Sons, did not appear in time for me to make use of it in this study of rudimentary institutions. In order to call attention to this one parallel, however, I cannot refrain from quoting here some passages of Mr. Shaw's noteworthy book.

Icaria, in the words of his preface, is an attempt to realize "national, democratic communism," unaffected by the religious forces that give life to such bodies as the Amana Inspirationists. "Prior to 1870, while the families of the community still lived in the log huts, the privilege had been granted each family of using a narrow strip of ground surrounding the house for a flower garden, or the cultivation in any way that seemed good to the occupants of the house, in their hours of leisure. These poor pioneers, with their Gallic love of flowers and gardening, found genuine satisfaction in their bits of ground; and here a vine, there an apple-tree, a tobacco-plant, or a fragrant bunch of garlic were added to the original flower-bed feature. Everywhere else in the community the Icarian motto, 'All for each, each for all,' was the invariable rule. If in the one matter of these tiny plots environing their humble domiciles, the Icarians allowed the idea of '*meum et tuum*' insidiously to enter, and if they found a keener enjoyment in the flowers or the grapes, because of the forbidden but delicious sense of personal ownership, we must not condemn them too harshly, nor impeach their communism. There was something noble and pathetic in the manner with which these '*citoyens*' and '*citoyennes*' put away the accursed thing when they awoke to a realization of the fact that the gardens were introducing a dangerous element of individualism and inequality. This consciousness was arrived at about the time when the first half dozen of the new and commodious houses were built; and it was arranged that whenever a family should leave the hut for a frame house, the wicked garden should be given up and no new ones should be made." . . . ("It is somewhat interesting to note that this Icarian village community, in its tendency to evolve individual proprietorship, began precisely at the same point as the primitive village communities, which maintained common ownership and use of arable lands and pastures and woodlands long after the homesteads and their immediate environment had become individual property.") . . . "Years rolled on, as the novelists say:" . . .